

FPM 1.14/2 : let. 810-6

Office of Personnel Management

FPM Letter 810-6

Federal Personnel Manual System

FPM Letter 810-6

Published in advance
of incorporation in FPM

Chapter 810
RETAIN UNTIL SUPERSEDED

SUBJECT: New Procedures to Avoid Interruption of Pay for
Employees Disabled as a Result of Job Related Injuries

Washington, D. C. 20415
May 8, 1985

Heads of Departments and Independent Establishments:

1. The Department of Labor, Office of Workers' Compensation Programs (OWCP), has requested that the attached guidance on new procedures for processing workers' compensation claims be transmitted to Federal agencies through the FPM issuance system. The new procedures will help OWCP process claims faster and monitor cases more closely by assuring that they have all the medical and other information they need from the agency, the injured employee and the treating physician.

2. As indicated in the attached OWCP guidance, agencies should send Form CA-17, "Duty Status Report," to attending physicians as often as needed to monitor employees' status and ability to return to light or full duty. Agencies may wish to send Form CA-17 to an employee's physician when they send the CA-7 or CA-8 to the employee (approximately every 30 days). In many cases, the first Form CA-17 describing the employee's regular job can be sent immediately after the injury. The treating physician can then indicate any physical limitations, and the agency can determine whether it has a job to offer. FPM Letter 339-16 on requesting medical information explains this process in more detail.

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Attachment



Inquiries: Regulations and Procedures Section, Office of Workers' Compensation Programs,
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Code: 810, Injury Compensation

Distribution: FPM

U.S. Department of Labor

Employment Standards Administration
Office of Workers' Compensation Programs
Division of Federal Employees' Compensation
Washington, D.C. 20210



New Procedures to Avoid Interruption of Pay for
Employees Disabled as a Result of Job Related Injuries

A recent study by the Office of Workers' Compensation Programs (OWCP) found that employees who are disabled by noncontroverted traumatic injuries may suffer significant interruption of pay before they receive their first compensation payment from OWCP. This delay in the first compensation payment causes hardship to employees, and is frequently due to agency and OWCP administrative delays. OWCP is now committed to the goal of "no interruption of pay" in noncontroverted traumatic injuries, and is instituting internal procedural changes to achieve this. The purpose of this letter is to ask agencies to join us in this effort by instituting the following agency procedures.

PROCEDURES FOR TRAUMATIC INJURY CASES: AT THE TIME OF INJURY

Submit form CA-1, "Notice of Traumatic Injury", completed by the injured employee or a representative and the supervisor to OWCP within 10 days. Include any available medical evidence. In cases where the agency is controverting either continuation of pay (COP) or the entire claim, the agency should submit documentation of the grounds of controversion with the CA-1 or as soon as possible, thereafter.

In controverted cases where pay is terminated for one of the reasons given in FPM chapter 810, subchapter 3-2, the option to use leave should be explained to the employee. In cases where pay is terminated, agencies should complete form CA-7 immediately and submit it with form CA-1.

FURTHER PROCEDURES FOR TRAUMATIC INJURY CASES: WHEN EMPLOYEES MIGHT NOT RETURN TO WORK BY THE END OF COP

Effective immediately, these procedures should be followed in all cases where there is a possibility that the employee may not be able to return to work at the end of COP. (If in doubt, follow the procedures.)

After 30 days of COP:

1. Begin preparations to submit a wage loss claim to OWCP. Agency processing personnel should give form CA-7, "Claim for Compensation on Account of Traumatic Injury," to the injured employee with instructions to complete Part A and return the form to the agency within one week. The address of the OWCP district office should be inserted in the box on the back of CA-20, "Attending Physician's Report," which is attached to CA-7.
2. The employee should be advised that OWCP consideration of the claim will depend on timely submission of the CA-7 by the employee and the timely submission by the doctor of medical evidence of disability for work for a specific period. Medical evidence sufficient to support disability may consist of a completed CA-20 or CA-16, a narrative report or other report stating that the employee is unable to work during the period, due to the injury.

3. After the employee completes part A, the agency should complete the rest of the CA-7.

After 40 days of COP:

1. If the CA-7 has not been returned, the agency should telephone the employee and request immediate submission of the form.

2. If the employee has not returned to work by the 40th day of COP, the agency should submit the completed form CA-7 and any new medical evidence it has to OWCP.

- OWCP uses pay data in blocks 19 and 20 to determine the rate at which compensation may be paid. The pay rate on the date of injury and the date the employee stopped work should be shown in block 19. (The claim should not be delayed for computations of shift differential, Sunday or holiday pay, etc. This additional pay information can be submitted separately as soon as it is computed.)
- The period of time covered by the CA-7 (blocks 6 and 31) should be the period of disability supported by the medical evidence or the period up to the employee's next scheduled medical appointment.

3. If the employee returns to work after CA-7 has been submitted the agency should notify OWCP by telephone immediately, and send a CA-3, "Notification of Termination of Disability", to verify return to work. TELEPHONE NOTIFICATION IS CRITICAL TO AVOID OVERPAYMENT!

10 Days before the period covered by the CA-7 expires:

1. If disability is expected to continue beyond the period claimed on the CA-7, the agency should give the injured employee form CA-8, "Claim for Compensation for Continuing Disability", with instructions to complete blocks 1 through 15, and return it to the agency. Insert the OWCP district office address in the box on the back of CA-20a, "Attending Physician's Supplemental Report," attached to CA-8.

2. The agency should complete the rest of form CA-8 and send it to OWCP, at least 5 days before the end of the period covered by the CA-7 expires. The period covered by the CA-8 should be the period of disability supported by medical evidence, or until the employee's next medical appointment.

3. Where disability is expected to continue, and until advised by OWCP that the employee has been placed on its regular roll, the agency should continue to obtain and submit forms CA-8, at least 5 days before the end of the period claimed on the preceding CA-8.

PROCEDURES FOR OCCUPATIONAL DISEASE CASES

Procedures for occupational disease cases remain unchanged, and are described in FPM chapter 810. Briefly they are:

- The employee and the agency complete form CA-2 and submit it with the required supporting documentation to OWCP.
- If needed, employees may use leave while awaiting OWCP adjudication.

OWCP/AGENCY COOPERATION AND COMMUNICATION

The agency should send form CA-17, "Duty Status Report," to the attending physician as often as needed to monitor the employee's status and ability to return to light or full duty.

OWCP will send agencies copies of any correspondence with the employee. In particular the agency will receive a copy of the OWCP notice to the employee that his/her injury has been accepted for compensation and the dates for which medical evidence is adequate. This notice will alert agencies to monitor the case, submit forms CA-7 and CA-8, and request new medical evidence when needed.

Where clarification regarding the circumstances of the injury, the employee's status, or pay information is needed, the OWCP claims examiner will contact the agency. Agencies should include the name and telephone number of a person with immediate access to such information on the bottom of form CA-7.

OWCP has implemented case monitoring and case management techniques intended to clarify ambiguous medical evidence. Where appropriate, OWCP will use its authority to obtain second opinion or referee medical evaluations. OWCP also encourages early return to light or full duty. Agencies may assist in this regard by providing and offering light or limited duty to injured employees. Policy guidance for agency job offers is found in FPM Letters 810-3 and 339-16, dated September 19, 1984.

Success of efforts for timely payment of compensation will require close cooperation between employing agencies and OWCP. However, prompt payment does not mean indiscriminate payment. The requirements for medical support of disability have not changed. Early submission of claim forms and supporting evidence, and prompt telephone notification of any return to work, will aid OWCP in making prompt and correct payment and avoid income interruption for disabled employees.

Inquiries should be directed to the Regulations and Procedures Section, OWCP, (202) 523-8463 or (FTS) 523-8463.

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